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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:19-cr-00596-SI-01

v.

RICHARD STEVEN ALBERTS II,
Defendant.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

**Sentencing Date: February 22, 2021
10:00 a.m.**

Introduction

Defendant Alberts pleaded guilty to one count of Conspiracy to Distribute Controlled Substances under 21 U.S.C. §§ 841 and 846. As a correctional officer at the Coffee Creek Correctional Facility, he smuggled contraband drugs into the prison for distribution to at least one inmate.

The parties are jointly recommending a prison sentence of a year and a day.

Government's Sentencing Memorandum

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Factual Background

The offense conduct is accurately set forth in paragraphs 12 – 37 of the Presentence Investigation Report.

Guideline Computations

The base offense level is 12 under USSG § 2D1.1(c)(12), because the offense involved less than 10 grams of heroin. Two levels are added under USSG § 2D1.1(b)(4), as the offense involved the distribution of a controlled substance into a correctional facility. Defendant is “safety valve” eligible, so a 2-level reduction under USSG § 2D1.1(b)(18) is appropriate. Pursuant to USSG § 3B1.3, defendant abused his position of trust in committing this offense, so a 2-level enhancement applies. After deducting 2 levels for acceptance of responsibility, defendant’s Total Offense Level is 12. Defendant is in Criminal History Category I, so the advisory guideline range is 10 – 16 months of custody in Zone C.

Joint Sentencing Recommendation

Pursuant to the plea agreement, the parties are jointly recommending a sentence of 12 months and a day in prison. At the sentencing hearing, the government will outline the reasons why such a sentence is sufficient, but not greater than necessary, considering the factors in 18 U.S.C. § 3553(a).

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Conclusion

Based on the foregoing, the government recommends that this Court impose a sentence of 12 months and a day in prison, followed by three years of supervised release, with the standard and special conditions listed in the Presentence Investigation Report.

Dated: February 18, 2021

Respectfully submitted,

BILLY J. WILLIAMS
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/s/ Craig J. Gabriel
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